

NEPHTY CRUZ ET AL

Index #: 07 CIV 6391

Plaintiff(s)

- against -

Date Filed:

PINNACLE MANAGING CO., LLC ET AL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on July 26, 2007 at 02:40 PM at

ONE PENN PLAZA SUITE 4000
NEW YORK, NY10119

deponent served the within true copy of the SUMMONS & COMPLAINT on WIENER REALTY, LLC, the defendant/respondent therein named,

**LIMITED
LIABILITY
COMPANY**

by delivering thereat a true copy of each to MR. JOHN SMITH, REFUSED TRUE NAME personally, deponent knew said limited liability company so served to be the limited liability company described in said SUMMONS & COMPLAINT as said defendant/respondent and knew said individual to be the GENERAL AGENT thereof.


Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
MALE	BLACK	BLACK	30	6'0	180

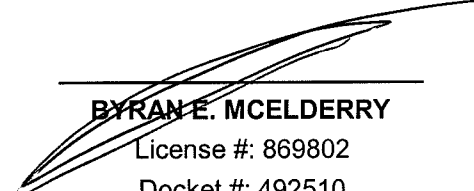
July 26, 2007 at 02:40 PM John Smith, true name unknown said name fictitious, said name intended being the managing (or general) agent of defendant WIENER REALTY, LLC described as above and refusing to give name at time of service.

Sworn to me on: July 27, 2007

Linda Forman
Notary Public, State of New York
No. 01FO5031305
Qualified in New York County
Commission Expires August 1, 2010


Robin M. Forman
Notary Public, State of New York
No. 01FO6125415
Qualified in New York County
Commission Expires April 18, 2009

Larry Yee
Notary Public, State of New York
No. 01YE5015682
Qualified in New York County
Commission Expires July 26, 2009


BYRAN E. MCELDERRY
License #: 869802
Docket #: 492510

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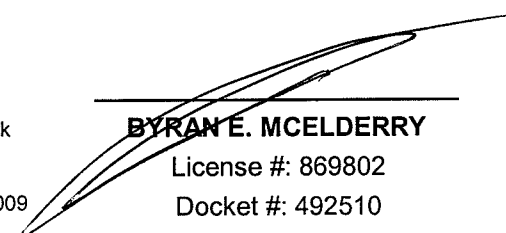
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